

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHERINE HADDOCK,

Plaintiff,

Case No. 21-cv-12395
Hon. Matthew F. Leitman

v.

STATE FARM FIRE AND CASUALTY
COMPANY, a foreign corporation,

Defendant.

/

ORDER TO APPRAISE THE CLAIMED DAMAGES

This matter having come before the court on the stipulation of the parties, and the parties being in agreement as to the following:

RECITALS

1. On November 1, 2022, the Court issued an Amended Opinion and Order Granting in Part and Denying in Part Plaintiff's Motion for Summary Judgment (ECF No. 30).

2. State Farm does not agree with the Court's findings that the parties' disputes can be resolved through the appraisal process set forth in the Policy and M.C.L. 500.2833(1)(m).

3. State Farm withdraws its Third and Fourth Affirmative Defenses (ECF No. 27; Page.ID 1388-1390).

4. Both parties expressly reserve their right to appeal the Court's November 1, 2022 Opinion and Order, and do not intend, by entering this Order, to waive any rights, arguments or defenses not expressly waived which are available to them.

The Court being otherwise fully advised, WHEREFORE,

IT IS HEREBY ORDERED that State Farm Fire and Casualty Company's Third and Fourth Affirmative Defenses (ECF No. 27; Page.ID 1388-1390) are dismissed with prejudice;

IT IS FURTHER ORDERED that Catherine Haddock and State Farm Fire and Casualty Company will submit their disputes to Appraisal, pursuant to M.C.L. 500.2833(1)(m);

IT IS FURTHER ORDERED that Catherine Haddock's appraiser in this matter is Craig Trombley;

IS IT FURTHER ORDERED that State Farm's appraiser in this matter is William Butler;

IT IS FURTHER ORDERED that, if the appraisers are unable to agree on an award, they shall select a competent, impartial umpire pursuant to M.C.L. 500.2833(1)(m);

IT IS FURTHER ORDERED that if the appraisers are unable to agree upon an umpire within 15 days of their first meeting, Ms. Haddock and/or State Farm may

ask the Court to select an umpire;

IT IS FURTHER ORDERED that each appraiser shall be paid by the party selecting that appraiser, and that all other expenses of the appraisal, including the compensation to be paid to the umpire, shall be paid equally by Catherine Haddock and State Farm.

IT IS FURTHER ORDERED that this Court will retain jurisdiction in order to select an umpire and/or enforce the appraisal award, if necessary.

This is Not a Final Order and Does Not Close the Case.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 24, 2023

Approved as to form and content:

/s/ Jason J. Liss

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